

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Mr. Adrian Bouknight,)	C/A No. 3:17-cv-03112-DCC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Department of Social Services of South)	
Carolina,)	
)	
Defendants.)	
_____)	

This matter is before the Court on Plaintiff's Complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On December 8, 2017, the Magistrate Judge issued a Report recommending that the Complaint be dismissed with prejudice and without issuance of service of process. ECF No. 8. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report. ECF No. 11.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or

modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

The Report recommends summary dismissal because Plaintiff’s claim for monetary damages against the South Carolina Department of Social Services is barred by the Eleventh Amendment. Plaintiff objects to the Report’s implication that he was the custodial parent of his son and states that he was not properly notified that his son entered the “system.” However, Plaintiff has failed to allege sufficient facts that could overcome the South Carolina Department of Social Services’s entitlement to Eleventh Amendment Immunity for claims asserted pursuant to 42 U.S.C. § 1983. Accordingly, the Court overrules Plaintiff’s objections and adopts the Report of the Magistrate as modified. Plaintiff’s Complaint is **DISMISSED** without prejudice.

IT IS SO ORDERED.

May 8, 2018
Spartanburg, South Carolina

s/Donald C. Coggins, Jr.
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.